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*Proposed Counsel to the Official Committee of
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: : Chapter 11
:
RUDOLPH W. GIULIANI : Case No. 23-12055 (SHL)
a/k/a RUDOLPH WILLIAM GIULIANI, :
:
Debtor. :
-----X

**JOINT MOTION OF THE DEBTOR AND THE
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO
SCHEDULE AN EXPEDITED HEARING AND SHORTEN THE
NOTICE PERIOD WITH RESPECT TO THE JOINT MOTION OF
THE DEBTOR AND THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS FOR ORDER APPROVING STIPULATION CONCERNING
DEADLINE FOR CREDITORS TO CHALLENGE DISCHARGEABILITY OF DEBTS**

The above-captioned debtor (the “Debtor”) and the Official Committee of Unsecured Creditors appointed in the Debtor’s chapter 11 case (the “Committee” and, together with the Debtor, the “Parties”) submit this motion (this “Motion to Shorten”). In support of this Motion to Shorten, the Parties respectfully state as follows:

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the Southern District of New York (this “Court”) has jurisdiction to consider this Motion to Shorten pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the Southern District of New York, entered February 1, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. §157(b)(2), and the Parties confirm their consent to the Court’s entering a final order in connection with this Motion to Shorten to the extent that it is later determined that the Court, absent consent of the Parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. Venue in this Court is proper pursuant to 28 U.S.C. §§1408 and 1409.

3. The statutory and rule predicates for the relief requested herein are section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9006-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”).

BACKGROUND

4. On December 21, 2023, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtor has continued in possession of his property and is managing his affairs as a debtor in possession pursuant to Bankruptcy Code sections 1107(a) and 1108. To date, no request for the appointment of a trustee or examiner has been made in this chapter 11 case.

5. On January 12, 2024, the United States Trustee for the Southern District of New York (the “U.S. Trustee”) appointed the Committee pursuant to Bankruptcy Code section 1102 [Docket No. 46]. On January 16, 2024, the Committee selected Akin Gump Strauss Hauer & Feld

LLP as its proposed counsel. On February 9, 2024, the Committee selected Global Data Risk LLC as its proposed specialized forensic financial advisor.

6. Pursuant to the *Notice of Chapter 11 Bankruptcy Case* [Docket No. 67], filed on January 24, 2024, the Debtor's meeting of creditors pursuant to Bankruptcy Code section 341(a) (the "341 Meeting") was scheduled for February 7, 2024, and accordingly, by operation of Bankruptcy Rule 4007(c), the deadline for all creditors to file complaints objecting to the dischargeability of their respective debts under Bankruptcy Code section 523(c) (the "Dischargeability Challenge Deadline") was set for April 8, 2024.

7. On March 1, 2024, the Parties filed the *Joint Motion of the Debtor and the Official Committee of Unsecured Creditors for Order Approving Stipulation Concerning Deadline for Creditors to Challenge Dischargeability of Debts* [Docket No. 133] (the "Stipulation Approval Motion"), which seeks approval of a stipulation by and between the Parties extending the Dischargeability Challenge Deadline for all creditors, the Committee and the U.S. Trustee by sixty (60) days, through and including June 7, 2024.

RELIEF REQUESTED

8. By this Motion to Shorten, the Parties seek entry of an order, substantially in the form attached hereto as **Exhibit A**, scheduling an expedited hearing and shortening the notice period with respect to the Stipulation Approval Motion filed on March 1, 2024. The Parties respectfully request that the Court schedule the Stipulation Approval Motion for hearing on **March 13, 2024 at 10:00 a.m.** (prevailing Eastern Time) and set **March 8, 2024 at 4:00 p.m.** (prevailing Eastern Time) as the deadline to object to the Stipulation Approval Motion.

BASIS FOR RELIEF

9. Under the Local Rules, all motion papers other than discovery-related motions shall be served at least fourteen (14) days before the return date "[e]xcept as otherwise ordered by the

Court, or required by the Bankruptcy Rules.” Local Rule 9006-1(b). Bankruptcy Rule 9006(c) provides that “when an act is required or allowed to be done at or within a specified time . . . the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1). In addition, Bankruptcy Code section 105(a) provides, in relevant part, that “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Thus, the Court has the authority to shorten the notice period and hold an expedited hearing to consider approval of the Stipulation Approval Motion.

10. The Parties submit that sufficient cause exists for the Court to shorten notice and hold an expedited hearing to consider the relief requested in the Stipulation Approval Motion. As discussed in greater detail in the Stipulation Approval Motion, Bankruptcy Rule 4007(c) sets the deadline by when creditors must file complaints objecting to the discharge of their respective debts pursuant to Bankruptcy Code section 523: “a complaint to determine the dischargeability of a debt under section 523(c) shall be filed no later than 60 days after the first date set for the meeting of the creditors under section 341(a).” Fed. R. Bankr. P. 4007(c). As set forth above, the Debtor’s 341 Meeting was scheduled for February 7, 2024 (but remains open), and accordingly, the Dischargeability Challenge Deadline was set for April 8, 2024. By the Stipulation Approval Motion, the Parties agreed to extend the Dischargeability Challenge Deadline by sixty (60) days, through and including June 7, 2024.

11. A prompt hearing on the relief requested in the Stipulation Approval Motion will provide clarity to the Debtor’s creditors regarding the extended Dischargeability Challenge Deadline and enable creditors to file complaints raising such challenges at the appropriate time in the Debtor’s chapter 11 case. Additionally, given the consensual nature of the Stipulation

Approval Motion and the relief sought therein, the Parties do not believe anyone will be harmed or prejudiced by granting the relief requested in this Motion to Shorten.

NOTICE

12. Notice of this Motion to Shorten has been provided to: (i) the U.S. Trustee; and (ii) all parties requesting notice under Bankruptcy Rule 2002. Due to the nature of the relief requested herein, the Parties submit that no other or further notice need be provided.

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CONCLUSION

13. For the foregoing reasons, the Parties respectfully request that the Court (a) shorten the notice period with respect to the Stipulation Approval Motion and schedule a hearing on the relief requested therein on an expedited basis and (b) grant the Parties such other and further relief as is just, proper and equitable.

Dated: March 5, 2024
New York, New York

By: /s/ Philip C. Dublin

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*Proposed Counsel to the Official Committee
of Unsecured Creditors of Rudolph W. Giuliani*

Dated: March 5, 2024

/s/ Heath S. Berger

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Proposed Attorneys for the Debtor

EXHIBIT A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In re: : **Chapter 11**
:
RUDOLPH W. GIULIANI : **Case No. 23-12055 (SHL)**
a/k/a RUDOLPH WILLIAM GIULIANI, :
:
Debtor. :
-----X

**ORDER SCHEDULING AN
EXPEDITED HEARING AND SHORTENING THE
NOTICE PERIOD WITH RESPECT TO THE JOINT MOTION OF
THE DEBTOR AND THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS FOR ORDER APPROVING STIPULATION CONCERNING
DEADLINE FOR CREDITORS TO CHALLENGE DISCHARGEABILITY OF DEBTS**

Upon the motion (the “Motion to Shorten”)¹ of the Parties for entry of an order (this “Order”) scheduling an expedited hearing and shortening the notice period with respect to the Stipulation Approval Motion, all as more fully set forth in the Motion to Shorten; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the Southern District of New York, entered February 1, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion to Shorten in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion to Shorten is in the best interests of the Debtor’s estate, his creditors and other parties in interest; and this Court having found that the facts and circumstances set forth in the Motion to Shorten justify the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY**

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion to Shorten.

ORDERED THAT:

1. The Motion to Shorten is granted as set forth herein.
2. Pursuant to Bankruptcy Code section 105(a), Bankruptcy Rule 9006(c) and Local Rule 9006-1, the notice period with respect to the Stipulation Approval Motion is hereby reduced and shortened to the extent necessary to effectuate the terms of this Order.
3. A hearing (the "Hearing") to consider the relief requested in the Stipulation Approval Motion will be held before this Court, on **March 13, 2024 at 10:00 a.m. (prevailing Eastern Time)**.
4. The Parties shall cause notice of the Hearing to be provided by sending a copy of the Motion to Shorten and the Stipulation Approval Motion via personal delivery, e-mail, the CM/ECF system, fax or overnight mail. Service of the Motion to Shorten and the Stipulation Approval Motion shall be deemed sufficient under the circumstances.
5. Responses or objections to the relief requested by the Stipulation Approval Motion shall be in writing and filed with the Court and served upon the Parties so as to be **actually received** not later **March 8, 2024 at 4:00 p.m.** (prevailing Eastern Time).
6. The Parties are authorized to take all actions necessary to effectuate the relief granted in this Order.
7. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this Order.

Dated: _____

THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE